

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LESLIE GRAHAM,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE  
OF NEVADA, et al.,

Respondents.

Case No. 2:09-cv-01069-MMD-VCF

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Petitioner moves the court to reconsider its order denying his motion for the appointment of counsel. (Dkt. no. 30.)


There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

1           Petitioner asserts that the issues in his case are complex, that he is unable to  
2 adequately represent himself, that he is uneducated, and that the law clerk inmate who  
3 prepared his petition is no longer at the prison. As was previously found by this Court,  
4 petitioner's petition is well-written and sufficiently clear in presenting the issues that  
5 petitioner wishes to bring. The issues in this case are not complex, and the factors in  
6 this case are not sufficient to warrant the appointment of counsel. Indeed, these factors  
7 are common among petitioners appearing before this Court. Accordingly, the Court  
8 finds no basis for reconsideration of its prior order denying the appointment of counsel.

9           IT IS THEREFORE ORDERED that petitioner's motion for reconsideration (dkt.  
10 no. 30) is DENIED.

11           IT IS FURTHER ORDERED that petitioner's motion for status check on his motion  
12 for reconsideration (dkt. no. 31) is DENIED as moot.

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14           DATED THIS 26<sup>th</sup> day of July 2012.

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17           UNITED STATES DISTRICT JUDGE